

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)	
)	
v.)	CRIMINAL NO. 09-10008-PBS
)	
DANILO MACHADO,)	
Defendant.)	

FINAL ORDER OF FORFEITURE

SARIS, D.J.

WHEREAS, on January 12, 2009, the United States filed an Information charging defendant Danilo Machado (the "Defendant") with Unlawful Transfer of False Identification Documents, in violation of 18 U.S.C. § 1028(a)(2) (Counts One and Two); and Possession of a Document-Making Implement with the Intent to Produce a False Identification Document, in violation of 18 U.S.C. § 1028(a)(5) (Count Three);

WHEREAS, the Information also contained forfeiture allegations that provided notice that the United States would seek forfeiture upon conviction of one or more of the offenses alleged in Counts One through Three of the Information, of any and all personal property used or intended to be used to commit one or more of the offenses; any and all property constituting, or derived from, any proceeds the Defendant obtained, directly or indirectly, as a result of such offenses; and any property, real or personal, which constitutes or is derived from proceeds traceable to one or more of the offenses, pursuant to 18 U.S.C. § 1028(b)(5), 18 U.S.C. § 982(a)(2)(B), 18 U.S.C. § 981(a)(1)(C), and 28 U.S.C. § 2461(c), including without limitation:

- (a) One Hewlett Packard Touch Smart computer (serial number 3CR8211XZN) seized from 36 Otis Street, Apartment #2, Somerville, MA on November 20, 2008;
- (b) One Compaq Presario R3000 computer (serial number

CND509K2N) seized from 36 Otis Street, Apartment #2, Somerville, MA on November 20, 2008;

- (c) One color copier/printer/scanner seized from 36 Otis Street, Apartment #2, Somerville, MA on November 20, 2008;
- (d) One black Nextel cellular phone seized from 36 Otis Street, Apartment #2, Somerville, MA on November 20, 2008;
- (e) One red Samsung cellular phone seized from 36 Otis Street, Apartment #2, Somerville, MA on November 20, 2008;
- (f) One 86MB flash drive seized from 36 Otis Street, Apartment #2, Somerville, MA on November 20, 2008;
- (g) One 4GB thumb drive seized from 36 Otis Street, Apartment #2, Somerville, MA on November 20, 2008;
- (h) One computer data storage device seized from 36 Otis Street, Apartment #2, Somerville, MA on November 20, 2008; and
- (I) Counterfeit identification documents seized from 36 Otis Street, Apartment #2, Somerville, MA on November 20, 2008,

(collectively, the "Property");

WHEREAS, the Information further provided that if any forfeitable property, as a result of any act or omission by the Defendant, (a) cannot be located upon the exercise of due diligence; (b) has been transferred or sold to, or deposited with, a third party; (c) has been placed beyond the jurisdiction of the Court; (d) has been substantially diminished in value; or (e) has been commingled with other property which cannot be divided without difficulty, the United States is entitled to seek forfeiture of any other property of the Defendant, up to the value of such assets, pursuant to 21 U.S.C. § 853(p);

WHEREAS, on January 22, 2009, the Defendant pled guilty to Counts One, Two and

Three of the Information, and the Court accepted his plea. At the hearing pursuant to Rule 11 of the Federal Rules of Criminal Procedure, the government set forth the basis for forfeiture of the Property and the Defendant consented to forfeiture of the Property;

WHEREAS, on March 5, 2009, this Court entered a Preliminary Order of Forfeiture, forfeiting the Property;

WHEREAS, the United States served notice of the Preliminary Order of Forfeiture on all parties that may have held an interest in the Property, and for 30 consecutive days, beginning on March 13, 2009 and ending on April 11, 2009, notice of the forfeiture was posted on an official government internet website (www.government.gov), pursuant to 21 U.S.C. § 853(n), incorporated by 18 U.S.C. §§ 981(a)(1)(C), 982(a)(2)(B), and 1028(b)(5), and 28 U.S.C. §2462(c); and

WHEREAS, no claims of interest in the Property have been filed with the Court or served on the United States Attorney's Office, and the time within which to do so expired on May 11, 2009.

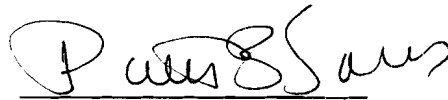
ACCORDINGLY, it is hereby ORDERED, ADJUDGED, AND DECREED that:

1. The United States' Motion for a Final Order of Forfeiture is allowed.
2. The United States is now entitled to the forfeiture of all right, title or interest in the Property, and it is hereby forfeited to the United States pursuant to 18 U.S.C. § 1028(b)(5), 18 U.S.C. § 982(a)(2)(B), 18 U.S.C. § 981(a)(1)(C), and 28 U.S.C. § 2461(c).
3. All other parties, having any right, title, or interest in the Property are hereby held in default.
4. The United States is hereby authorized to dispose of the Property in accordance

with applicable law.

DONE AND ORDERED in Boston, Massachusetts, this 20 day of September,

2009.

A handwritten signature in black ink, appearing to read "Patti B. Saris", written over a horizontal line.

Patti B. Saris
United States District Judge